

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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THOMAS BOYD, et al.,

Plaintiffs,

-against-

J.E. ROBERT CO., INC., et al.,

Defendants.

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SUMMARY ORDER ON  
MOTION TO COMPEL [129]

05-CV-2455 (KAM) (RER)

**RAMON E. REYES, JR., U.S.M.J.:**

Plaintiffs' objections to defendant JER's document requests and interrogatories that they may "seek [] information [or documents] which is more readily available to defendants" is overruled. With respect to document requests 6, 13-15, 17, 18, 20, 24, 30, 32, 33, 36 and 50, to the extent not addressed in plaintiffs' opposition, plaintiffs must supplement their responses and either (1) affirm that the documents identified in response to any such request represent all of the responsive documents in plaintiffs' custody or control; (2) state that plaintiffs have no responsive documents in their custody or control; or (3) identify or produce all responsive documents in their custody and control.

Plaintiffs' objections that document requests 51, 54-56 and 58 "seek[] a legal conclusion rather than documentary evidence" are overruled. Plaintiffs shall supplement their responses to those requests. The Court notes that plaintiffs have already indicated that they will supplement their responses to document requests 54-56 when they become aware of additional responsive documents. Plaintiffs shall also supplement their response to document request 45 and identify the specific "payoff quotes" referenced in paragraphs 88 and 90 of the second amended complaint. The Court believes that all other specific document requests have been properly supplemented in plaintiffs' opposition.

Defendant JER's request for supplemental "narrative answers" in response to interrogatories 2-5, 7, 14, 15 and 20-22, is denied. Unless otherwise stated in this Order, plaintiffs' responses to each of those interrogatories are proper in form. Plaintiffs shall supplement their response to interrogatory 7 and "set forth the amount and nature of actual damages claimed by each Plaintiff and state the manner in which such damages were calculated." Plaintiffs shall also supplement their responses to interrogatories 11-13, 16, and 19, the responses to those interrogatories being insufficient.

Nothing in this order relieves plaintiffs or defendants from complying with their ongoing obligation to supplement their discovery responses in the future.

Dated: Brooklyn, New York

July 29, 2009

**Ramon E. Reyes, Jr.**  
**United States Magistrate Judge**